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#4

529 Rec'd PCT/PTO 11 MAY 2000

May 11, 2000

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Re: U.S. Patent Application No. 09/445,289
Entitled: *Bacterial Pheromones and Uses Therefor*
Inventors: Galina V. Mukamolova, et al.
Filed: December 3, 1999
(I.A. Filing Date: June 3, 1998)
Our Ref. No.: FHW-051US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. an executed Declaration, Petition and Power of Attorney (6 pages);
3. a check for \$650.00 for small entity surcharge fee;
4. a copy of Form PCT/DO/EO/917; and
5. Return acknowledgment postcard.

Please charge any necessary fees in connection with the enclosed documents to our Deposit Order Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is attached.

"Express Mail" mailing label number <u>EL 178 766 000 US</u>	
Date of Deposit <u>May 11, 2000</u>	
I hereby certify that this correspondence is deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231	
Signature	<u>Nelson Barros</u>
Please Print Name of Person Signing	
<u>NELSON BARROS</u>	

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



Peter C. Lauro
Registration No. 32,360
Attorney for Applicants

In re the application of: Galina V. Mukamolova, *et al.*

Serial No.: 09/445,289

Filed: December 3, 1999
(I.A. Filing Date: June 3, 1998)

For: *BACTERIAL PHEROMONES AND USES THEREFOR*

Attorney Docket No.: FHW-051US

Group Art Unit:

Examiner:

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. §371* dated April 12, 2000, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of \$65.00, based on small entity status, is enclosed to cover the surcharge under 37 C.F.R. §1.492(e). A copy of Form PCT/DO/EO/917 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

"Express Mail" mailing label number EL 178 766 000 US

Date of Deposit May 11, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Box PCT, Washington, DC 20231

Nelson Barros
Signature

NELSON BARROS
Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Peter C. Lauro
Peter C. Lauro, Esq.
Reg. No. 32,360
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

09/445289

U.S. APPLICATION NO. 289 MUKAMOLOVA FIRST NAMED APPLICANT ATTY. DOCKET NO. FHW-05115

PETER C LAURO
28 STATE STREET
BOSTON MA 02109

5611

INTERNATIONAL APPLICATION NO.

PCT/GB98/01619

I.A. FILING DATE

PRIORITY DATE

06/03/98

06/04/97

DATE MAILED:

04/12/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.

- ☐ Translation of the international application into English.
☒ Oath or Declaration of inventor(s) for DO/EO/US (unsigned)
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☒ Other: Sequence Listing; Diskette

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875
FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

Barbara Campbell
National Stage Processing
(703) 305-3831

RECEIVED
LAHIVE & COCKFIELD
DOCKET DEPT.
APR 18 2000
RETRIEVED: DD.V. yls
FORWARDED: 4/28/00

09/445289



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO. 09/445,289	FIRST NAMED APPLICANT MUKAMOLOVA	ATTY. DOCKET NO. G FHW-051US
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PETER C LAURO
28 STATE STREET
BOSTON MA 02109

5611

INTERNATIONAL APPLICATION NO.

PCT/GB98/01619

I.A. FILING DATE

PRIORITY DATE

06/03/98

06/04/97

04/12/00

DATE MAILED:

COPY

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☒ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

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